

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEONEL DIAZ-SALAZAR,)
Petitioner,) CASE NO. C14-0239-RAJ-MAT
v.)
NATHALIE R. ASHER, et al.,) REPORT AND RECOMMENDATION
Respondents.)
_____)

Petitioner is a citizen of Mexico, who is currently being detained without bond at the Northwest Detention Center in Tacoma. Dkt. 4 at ¶ 2.1. Through counsel, petitioner filed a habeas corpus petition pursuant to 28 U.S.C. § 2241, asking the Court to direct the Tacoma Immigration Court to provide him with a new bond redetermination hearing or to release him. *Id.* at 11-12. Along with his habeas petition, petitioner filed a motion for preliminary injunction. Dkt. 3. The Court directed that respondents be served and that respondents file a return as provided in 28 U.S.C. § 2243, explaining why the Court should not grant the petition. Dkt. 2.

In lieu of respondents filing a return, the parties have filed a joint stipulation that

01 petitioner will be given a bond hearing before an immigration judge under 8 U.S.C. § 1226(a).
02 Dkt. 11 at 1. The parties ask the Court to issue an order instructing the Executive Office for
03 Immigration Review (“EOIR”) to hold the bond hearing under § 1226(a) no later than thirty
04 (30) days from entry of the Court’s order. *Id.* The parties further stipulate that upon the
05 Court’s order to hold the bond hearing, this action should be voluntarily dismissed. *Id.*

06 Based on the parties’ stipulation, the Court recommends entering an Order (1) granting
07 the parties’ joint stipulation, Dkt. 11; (2) directing EOIR to hold a bond hearing for petitioner
08 pursuant to 8 U.S.C. § 1226(a), no later than thirty (30) days from the entry of the Order; (3)
09 denying as moot the pending habeas petition, Dkt. 4, and motion for preliminary injunction,
10 Dkt. 3; and (4) voluntarily dismissing this action. A proposed order accompanies this Report
11 and Recommendation.

12 The Clerk should note the matter for March 18, 2014, as ready for the District Judge’s
13 consideration.

14 DATED this 18th day of March, 2014.

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Mary Alice Theiler
Chief United States Magistrate Judge

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